

In United States District Court of Delaware

Harry L. Samuel

Plaintiff,

C.A. No. 05-037-SLR

v.

Thomas Carroll, Et al  
andFirst Correctional Medical,  
Correctional Medical

Defendants



Plaintiff Response to Defendant First Correctional Medical  
Response to Plaintiff Motion for Default Judgement D.I. 75

Plaintiff Samuel, requests that Defendant Motion to deny Plaintiff Default Motion for Default Judgement be denied. Plaintiff ask District Court to grant Plaintiff Default Motion and Default Judgement.

1. The Client was aware of this matter and Counsel was aware of this matter on 1-10-2006
2. From that Point forward the docket in this matter indicate Plaintiff shall return Service for FCM D.I. 36 also Exit Service for FCM docket entry D. I. 40.
3. The District Court had ordered an order for the Defendant(s) to respond. The Defendant did not respond timely in the time limitation.
4. Plaintiff have legal evidence of Service on 3-10-06 Signed and Dated by U.S. Marshal or Deputy. That FCM had been Served. see Form U S M 285 for FCM.
5. On March 10, 2006 the Defendants was serviced and in addition the District Court ordered the Defendant to respond by March 6, 2006.
6. The Defendant(s) was aware of the Court order to respond. The Defendant was formally Served on 3-10-06 and The Defendant did not enter appearance until 77,

days after U.S.M. 285 service on 3-10-06.

Plaintiff Samuel, respectfully ask that the District Court grant Plaintiff Default Motion and Default Judgement.

Date: 7-3-2006

Respectfully Submitted  
Very Truly yours  
Harry L. Samuel  
Pro Se

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true and correct copy(ies) of the attached: Plaintiff response to FCM response to Plaintiff Motion for Default Judgement upon the following parties/person (s): opposing Counsel

TO: Dana Spring Menze  
(McCullough & McKenty, PA.)  
1225 N. King Street, Suite 1100  
P.O. Box 397  
Wilmington, DE 19899-0397  
(FCM)

TO: Ophelia M. Waters  
Deputy Attorney General  
State of Delaware  
Department of Justice  
820 North French Street, 6th Floor  
Wilmington, Delaware 19801  
(Warden, et al)

TO: Kevin J. Connors  
(Marshall, Dennehey, Warner,  
Coleman & GOGGIN)  
1220 North Market Street  
5th Fl. P.O. Box 8888  
Wilmington, DE 19899-8888  
(CMS, I)

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BY PLACING SAME IN A SEALED ENVELOPE** and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 6<sup>th</sup> day of July, 2006

Harry L. Samuel